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May 25, 2005

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VIA FAX: 1-631-712-5606

The Honorable Thomas C. Platt, Senior Judge,
United States District Court for the Eastern District of New York
Long Island Courthouse
1044 Federal Plaza
P.O. Box 9014
Central Slip, NY 11722-9014

Re: Google, Inc. v. Richard Wolfe d/b/a/ FROOGLES.com
Case No. CV 05 1779

Dear Judge Platt:

Mr. Capece gave me permission to fax this letter to chambers. This letter is being submitted under Rule 1(E) of Your Honor's Individual Practices.

The purpose of this letter is to request an extension of time for defendant Richard Wolfe, d/b/a FROOGLES.com to answer or otherwise respond to the Complaint filed in this action by plaintiff Google, Inc. The answer was originally due May 5, 2005. Defendant has made one previous request for a 20-day extension, which was granted with the consent of counsel for plaintiff, Google, Inc.

Counsel for plaintiff has refused to consent to this request. In a telephone conversation yesterday, plaintiff's counsel stated that she would contact Google, Inc. to inquire whether the client would permit her to give consent to the extension request, but only if defendant Richard Wolfe would agree to one condition. The condition pertained to a proceeding pending before the Trademark Trial and Appeal Board ("TTAB") of the United States Patent and Trademark Office in which plaintiff and defendant herein are the only parties. In that proceeding Mr. Wolfe is opposing Google's application to register the mark FROOGLE for a new shopping service. On the day after filing the instant suit, Google moved the TTAB to suspend the opposition proceeding in deference to this civil action. The condition stated by counsel in our telephone conversation

yesterday was that Mr. Wolfe withdraw his opposition to Google's motion to suspend the TTAB proceeding. That was the only condition stated, and it was rejected by the undersigned on behalf of Mr. Wolfe.

If defendant Wolfe's request is granted, his time to answer or respond to the Complaint will be extended to June 24, 2005. Magistrate Judge E. Thomas Boyle has ordered an initial scheduling conference to be held in this case on August 5, 2005. That date will not be affected by the requested extension.

The circumstances leading to this request may be summarized briefly.

The undersigned is a partner in the law firm Cameron & Hornbostel LLP ("C&H"). C&H represents defendant Richard Wolfe, d/b/a/ FROOGLES.com in the opposition proceeding now pending before the TTAB and referred to above. C&H instituted that proceeding on behalf of Mr. Wolfe in March 2004. C&H has conducted discovery in that proceeding on behalf of Mr. Wolfe and in December 2004 filed a motion for summary judgment, asking the TTAB to sustain Mr. Wolfe's opposition and refuse Google's application to register the mark FROOGLE. That motion is pending. Shortly after the opposition proceeding was instituted, in May 2004, Google filed a complaint under the Uniform Domain Name Dispute Resolution Policy ("UDRP") in an attempt to have Mr. Wolfe's domain name FROOGLES.com taken from him and transferred to Google. C&H represented Mr. Wolfe in that proceeding as well. The panel appointed to decide that case dismissed Google's complaint.

Mr. Wolfe is an individual operating his business as a sole proprietor from his home in Holtsville, NY. Mr. Wolfe has asked C&H to represent him in the instant proceeding. Mr. Wolfe and C&H are exploring financial and other considerations in seeking to determine how best to proceed, but have not yet reached an agreement whereby C&H could commit to representing Mr. Wolfe in this federal litigation. At the same time, Mr. Wolfe wishes to avoid having a judgment entered against him by default on Google's sixty-eight page, six-count Complaint.

After Google's counsel refused to give her consent in our telephone conversation yesterday, C&H filed a motion in this Court electronically seeking a 30-day extension. Late this afternoon Google's counsel in a letter demanded that the motion be withdrawn as improper in that it violated Rules 1(E) and 2(C) (failure to schedule oral argument) of this Court's Individual Practices.

Following receipt of that letter, and uncertain what to do to protect Mr. Wolfe in this awkward situation, the undersigned placed a call to the Court and, failing to reach the Court's Deputy Clerk, called Chambers and spoke to Mr. Capece. Mr. Capece authorized me to fax a letter to Your Honor explaining the situation and the uncertainty at this time whether the undersigned and C&H will be able to represent defendant Wolfe in this case.

The Honorable Thomas C. Platt, Senior Judge

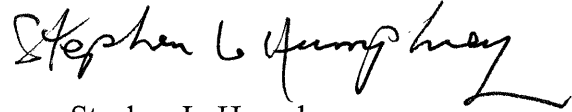
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Thank you, Your Honor, for your attention to this request.

A copy of this letter is simultaneously being delivered to counsel for plaintiff, Virginia R. Richard, Esq., by fax, and it is also being filed with the Court electronically through ECF.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen L. Humphrey". The signature is fluid and cursive, with a long horizontal stroke at the end.

Stephen L. Humphrey

Cc: Virginia R. Richard, Esq. (VIA FAX: 212-294-4700)
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